THE HON'BLE SRI JUSTICE C.V. RAMULU

Tuesday, 21st day of August,2007

W.P.No.16777 of 1998

Between:-

A. Adinarayana & others … Petitioners

and

A.P. State Electricity Board
through its Member Secretary
at Vidyuth Soudha, Somajiguda,
Hyderabad and others … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.16777 of 1998

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of the respondents in not regularizing the petitioners' appointments in the categories of Junior plant Attendants, Man-Mazdoors and Sub-Engineers depending upon the qualifications and eligibility either in Kothagudem Thermal Power Station, 5th Stage or in any other service of the A.P. State Electricity Board, forthwith, as per B.P.Ms.No.37, dated 18-5-1997 and B.P.Ms.No.260, dated 19-12-1997 and also the action of the respondents in proposing to terminate the services of the petitioners as arbitrary, illegal and violative of Article 14 of the Constitution of India.

According to the petitioners, they are working as Junior Plant Attendants/Man-Mazdoors/Sub-Engineers, on casual basis, and they were appointed in between 1993 and 1997. Petitioners 1 to 12 are working in O&M 5th Stage in the respondent-Power Station. While that being so, in view of the issuance of G.O.Ms.No.41, Labour, Employment, Technical and Factories (Labour-II) Department, dated 23-9-1996 for abolishing the contract labour system in respect of 33 categories of employment. The Board has issued Proceedings vide B.P.(P&G)Ms.No.37, dated 18-5-1997 contemplating certain guidelines for the purpose of absorption of the contract workers. Thereafter, a notification has been issued on 15-6-1997 publishing the

names of the contract workers working with the respondents. Though all the petitioners are eligible for the purpose of including their names in the said notification, their names were not included, for the reasons best known to the 1st respondent. Thus, the petitioners are deprived of facing the interview on the above schedule dates. Therefore, the petitioners approached the 1st respondent and they were informed orally that the interviews would be conducted at a later date. Hence, this Writ Petition.

A detailed counter has been filed by the 1st respondent denying the allegations made by the petitioner. It is asserted that the petitioners do not come under the purview of the said Orders issued by the Board. The units 9 and 10 have not come into regular operation by 23-9-1996 i.e. the cut-off date as contemplated in the G.O.Ms.No.41, dated 23-9-1996 and B.P.Ms.Nos.36 and 37, dated 18-5-1997, B.P.Ms.No.260, dated 19-12-1997 and B.P.Ms.No.326, dated 14-3-1998. In fact, petitioners 1 to 8 were continued for providing Office assistance to various Officers of KTPS, V Stage, in view of the interim orders passed by this Court. Petitioners 11 and 12 have voluntarily stopped attending the work entrusted to them by the respective contractors and therefore continuing them does not arise. In respect of petitioners 9,10 and 15, they are engaged by the contractors executing KTPS, V stage work awarded to them. Therefore, none of the petitioners are eligible for being considered and appointed as per the above Governmental Orders and Board Proceedings. However, petitioners 1 to 8, 11 and 12 were interviewed and speaking orders were issued on 14-9-1998 and 19-9-1998 rejecting their cases.

From the averments made in the counter filed by the 1st respondent, it is clear that the petitioners were engaged by the contractors, who are entrusted with the work to provide office

assistance to various Officers of KTPS, V Stage and in construction works, as they will not come under the purview of G.O.Ms.No.41, dated 23-9-1996 issued by the Government of Andhra Pradesh and subsequently adopted by the Board in B.P.Ms.No.37, dated 18-5-1997. Further, the two units i.e., 9 and 10 of KTPS, V Stage have not started its generation and come into operation as on 23-9-1996. In view of the above, no case is made out by the petitioners for granting the relief as prayed for in the Writ Petition. The Writ Petition is devoid of merits and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. However, this order will not affect the petitioners, if they have been considered in any subsequent interviews conducted by the Department and it is open for the respondents to engage the petitioners, if their services are required in the Organization. No order as to costs.

21-8-2007

prk